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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,044	03/01/2002	Daisuke Miyakoshi	112108	2270
25944	7590	04/21/2006	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			REILLY, SEAN M	
			ART UNIT	PAPER NUMBER
			2153	
DATE MAILED: 04/21/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/085,044	Applicant(s) MIYAKOSHI ET AL.	
	Examiner Sean Reilly	Art Unit 2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office action is in response to Applicant's amendment and request for reconsideration filed on January 19, 2006. All claims have been canceled and new claims 34-42 have been added.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 34-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
2. With regard to claims 34-42, the limitation "via a short distance wireless connection" renders each claim indefinite. It is not clear what criteria must be met in order to classify a wireless connection as being a *short distance*.
3. With regard to claims 36 and 39, the limitation "establishes a communication connection with the communication terminal by a direct contact," renders the claim indefinite. It is presumed direct contact implies that no intermediary device is present between the first and second communication units, such as via a direct cabled connection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 34-35, 37-38, and 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Favichia et al. (U.S. Patent Number 6,125,122; hereinafter Favichia) and Bjorndahl (U.S. Patent Publication Number 2002/0065099).

5. With regard to claims 34-35, 38, and 41-42, Favichia disclosed a method of enabling a communication terminal to wirelessly communicate with each of one or more wireless communication devices in a wireless network (nodes in the wireless communication network, Figure 1 and Col 1, lines 25-28), comprising:

- (a) storing, communication device (second node), information on one or more communication protocols that are usable by each of the one or more wireless communication devices (“plurality of communication protocols at which the second network is cable of operating” Col 2, lines 65-67; also see Col 4, lines 48-50);
- (b) establishing a communication connection between the communication device and a communication terminal that is to be connected to the wireless network (required for the protocol negotiation process to occur);
- (c) receiving, at the communication device via the communication connection established in step (b), from the communication terminal, information on one or more communication protocols that are usable by the communication terminal (Col 2, lines 59-64);
- (d) determining, at the communication device, one or more communication parameters that are required for communications between the communication

terminal and each of the one or more wireless communication devices on the basis of the information stored in the step (a) and the information received in the step (c) (Col 2, lines 64-67);

- (e) receiving at the communication terminal via the communication connection established in step (b), from the communication device, the one or more communication parameters determined in the step (d) (i.e. sending the protocol or codeset to be utilized; see inter alia Col 3, line 1, Col 3, lines 5-14, and Col 4, lines 15-26); and
- (f) causing the communication terminal to communicate with each of the one or more wireless communication devices following the one or more communication parameters received in the step (e) (Col 4, lines 46-47).

Favichia disclosed the invention substantially as claimed however, Favichia failed to specifically recite communicating over a cabled connection or a short distance wireless connection. Additionally with regard to claims 38 and 42, Favichia does not explicitly recite using two communication units in each communication device, where the first communication units are used to establish communication parameters for communication between the two devices over the second communication units.

In an analogous art, Bjorndahl disclosed a method for setting communication parameters between two communication devices (abstract). The two communication devices each house two communication units within, a first IR (§ 17) and a second RF (wireless) (§ 17). In the Bjorndahl system, communication parameters (protocols) for communicating using the second communication units (RF) are established over the first communication units (IR link) (§ 34).

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The IR connection is utilized for establishing the communication parameters since it is within close proximity and thus less vulnerable to eavesdropping and more secure (Bjorndahl ¶ 43).

Note the IR connection is a *short* distance wireless connection in comparison to the RF wireless connection (requires “close proximity” ¶ 43). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the connection establishment teachings of Bjorndahl (described above) within the Favichia system since connection establishment over a second network communication unit within close proximity is more secure, particularly in the wireless environment which is vulnerable to eavesdropping (Bjorndahl ¶ 43).

6. With regard to claims 37 and 40, Bjorndahl disclosed the first communication unit establishes a communication connection with a communication unit of the communication device by infrared, and communicates with the communication device via the communication connection established by infrared (see inter alia Bjorndahl ¶s 17 and 35).

7. Claims 36 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Favichia et al. (U.S. Patent Number 6,125,122; hereinafter Favichia) and Bjorndahl (U.S. Patent Publication Number 2002/0065099) and Ramaswamy et al. (U.S. Patent Number 6,832,082; hereinafter Ramaswamy).

8. With regard to claims 36 and 39, Favichia and Bjorndahl failed to specifically recite the communication unit utilized to establish communication parameters (i.e. the first communication unit in claims 38 and 42) communicate by direct contact, instead Bjorndahl used IR

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communication units (as mapped above). Nonetheless Bjorndahl's system is primarily concerned with secure wireless communication unit initialization. Further it was widely known in the art at the time of the invention to securely initialize wireless communication units over wired direct contact links, as evidenced by Ramaswamy. In an analogous communication initialization system Ramaswamy disclosed initializing two wireless communication units by using wired direct contact communication units (Col 3, lines 19-35). Ramaswamy disclosed using a wired direct contact link for initialization is more secure since only an authorized user is able to perform device initialization by having physical access (Col 3, lines 24-29). Further the use of a wired link eliminates the risk of wireless users to eavesdrop, as there is no wireless signal to sniff, and is therefore more secure. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Favichia and Bjorndahl to use a wired direct contact communication unit instead of an IR communication unit, since a wired communication unit only permits an authorized user to perform device initialization by having physical access and further wired communication eliminates the risk of wireless eavesdropping.

Conclusion

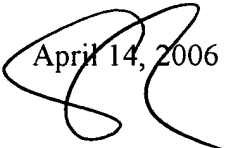
9. The prior art made of record, in PTO-892 form, and not relied upon is considered pertinent to applicant's disclosure.

10. This office action is made **NON-FINAL**.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Reilly whose telephone number is 571-272-4228. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 April 14, 2006


GLENTON B. BURGESS
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